IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 11TH JUNE 2007 / 21ST JYAISHTA 1929

Crl.Rev.Pet.No. 1603 of 2007()

CRA.137/1999 of ADDL. SESSIONS COURT (ADHOC), PATHANAMTHITTA
CC.89/1997 of JUDL.MAGISTRATE OF FIRST CLASS COURT, ADOOR

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REVN. PETITIONER: APPELLANT/ACCUSED

RAVEENDRAN, S/O GOPALAN,
VALACHAL PUTHENVEEDU, MUDIYOORKONAM MURI,
PANDALAM VILLAGE, ADOOR TALUKE,
PATHANAMTHITTA DT.

BY ADV. SRI.MATHEW ABRAHAM

RESPONDENTS: RESPONDENTS/COMPLAINANT

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1. THE EXCISE INSPECTOR,
ADOOR RANGE.

2. THE STATE OF KERALA REP.BY
THE PUBLIC PROSECUTOR, HIGH COURT,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 11/06/2007, HE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R.UDAYABHANU, J

Crl.R.P.No.1603 of 2007

Dated this the 11th day of June, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 58 of the Abkari Act and sentenced to R.I. for a period of six months and also to pay a fine of Rs.15,000/- and in default of payment of fine to undergo R.I. for a further period of three months on the allegation that he was found in possession of half a litre of illicit arrack and two glasses on 26.7.1996 at 6.30 p.m. near to Sasthamvettam Dharmasastha Temple.

2. The evidence adduced in the matter consisted the testimony of PWs' 1 to 3, Exts. P1 to P4 and Mos' 1 and 2. Although, PW3 the independent witnesses has turned hostile, PWs' 1 and 2, the Excise Circle Inspector and the Excise Inspector who was in the detection squad have testified with respect to the occurrence. The chemical analysis report confirms the fact that the accused was carrying illicit liquor. In the circumstances, I find no grounds to interfere in the conviction.

3. All the same, considering the fact that the occurrence has taken place more than ten years ago and the fact that the

accused was facing criminal proceedings so long, the sentence is liable to be modified. In the circumstances, the sentence is modified to imprisonment till the rising of the court and to pay a fine of Rs.15,000/- and in default, to undergo simple imprisonment for two months. Revision petitioner is granted three months' time to remit the fine amount. He shall appear before the Judicial First Class Magistrate Court, Adoor on 10.9.2007 to receive the sentence.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl